

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 174 OF 1995

The State of Maharashtra. ... Appellant
Versus
Narhari Pandurang Parkar..... Respondent.

Mr. K. K. Tated, AGP for the Appellant.
Mr. S. B. Shetye for the Respondent.

CORAM : ANOOP V. MOHTA, J.

DATED : 29TH NOVEMBER, 2005.

P.C. :

This is the appeal filed by the State of Maharashtra challenging the grant of enhanced compensation to the claimant / respondent to the extent of Rs.29,000/- based on the valuation report filed on the record by the claimant / respondent.

2. Heard learned Advocates appearing for the parties.
There is a clear finding given based on the record,

while granting enhanced compensation of Rs.29,000/- as an additional amount based on the evidence given by the valuer in the cross-examination that the old house was worth of Rs.75,000/-. There is no dispute that the witness of the claimant i.e. expert valuer valued the house at Rs.93,731.30. In the cross-examination it was the suggestion of the other side i.e. the appellant in reference to the valuation of the house in question. There was no evidence led by the appellant. Based on the suggestion the amount as admitted comes to Rs.75,000/-. Considering this at this stage, I am not inclined to interfere with the order passed by the Civil Judge (Senior Division), Ratnagiri, awarding enhanced compensation of Rs.29,000/- as additional compensation.

3. There is no question of consideration of valuation report at this stage, as while awarding the compensation of old house, the trial court has already considered the valuation as admitted, of Rs.75,000/- even though the expert valued the house at Rs.93,731.30. There is no perversity as such which needs to be interfered. The impugned judgment, therefore, is maintained in the fact and circumstances of the case.

4. The claimant / respondent, therefore, is entitled for all other consequential reliefs as prayed. The appeal is dismissed, accordingly. There shall be no order as to costs.

Sd/-

(ANOOP V. MOHTA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3094 OF 1996
IN
FIRST APPEAL NO. 174 OF 1995

The State of Maharashtra. ... Appellant

Versus

Narhari Pandurang Parkar..... Respondent.

Mr. K. K. Tated, AGP for the Appellant.

Mr. S. B. Shetye for the Respondent.

CORAM : ANOOP V. MOHTA, J.

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P.C. :

In view of the reasoning given in the appeal,
this civil application is also dismissed and disposed
of, accordingly.

Sd/-

(ANOOP V. MOHTA, J.)